

TOWN BOARD SPECIAL MEETING
September 8, 2005 - 6:00 PM

The meeting was called to order by Supervisor Hundt at 6:00 p.m.

Salute to the Flag was conducted.

Emergency Exits were pointed out by the Supervisor.

Roll Call:

Councilman Devine	Present
Councilman Russell	Present
Councilwoman Doyle	Present
Councilman Carroll	absent
Supervisor Hundt	Present

ADJOURN TO EXECUTIVE SESSION

Supervisor Hundt moved that the Board go into executive session to interview candidates for town constable:

MOTION: S/Hundt
SECOND: C/Russell
ROLL CALL: C/Carroll - absent C/Devine - AYE
 C/Doyle - AYE C/Russell - AYE
 S/Hundt - AYE

MOTION CARRIED 4 to 0.

RETURN TO REGULAR MEETING

At 7:05 the Board returned to regular meeting:

MOTION: S/Hundt
SECOND: C/Doyle
ROLL CALL: C/Carroll - absent C/Devine - AYE
 C/Doyle - AYE C/Russell - AYE
 S/Hundt - AYE

MOTION CARRIED 4 to 0.

CDBG for 2006: LAKE AMENIA ROAD BRIDGE PROJECT

Supervisor Hundt read Resolution #23 of 2005 authorizing the submission of the Fiscal Year 2006 Dutchess County Community Development Block Grant (CDBG) program application. The project proposed is the replacement of a bridge on Lake Amenia Road.

RESOLUTION #23 OF 2005: CDBG 2006 PROJECT: LAKE AMENIA ROAD BRIDGE

MOTION: C/Doyle
SECOND: C/Russell
ROLL CALL: C/Carroll - absent C/Devine - AYE
 C/Doyle - AYE C/Russell - AYE
 S/Hundt - AYE

MOTION CARRIED 4 to 0.

METRO-NORTH (WASSAIC) LIGHTING AGREEMENT

Before the Wassaic street lighting project can continue, an agreement is needed with Metro-North about the lights that will be on or near the railroad

property. Supervisor Hundt reported that the town attorney Michael Hayes had spoken with the town insurance person Byron Barnes and that they had several concerns:

- Metro-North requires a certificate of insurance to cover the time period while the lights are being installed. The railroad would get the insurance and the cost would be charged back to the town. Unless Metro-North is willing to negotiate this, we cannot move forward.
- The agreement proposed is a temporary license, not a lease and gives Metro-North a lot of leeway. Metro-North will continue to own the property but could tell the town to remove the lights on 30-days notice.
- Metro-North could disapprove the location of the lights.
- Metro-North could decide that they need to post employees out there. If so, the town must pay their salary and benefits.
- Are these points up for negotiation?
- The town attorney needs direction from the Town Board to continue.

Supervisor Hundt suggested that we pursue these issues with Metro-North, especially the insurance issue, which might cost \$3500 per year. Councilwoman Doyle mentioned that Metro-North had participated in the placement of the lights, except for the latest version (on new light poles). The outlet box for the Christmas tree lights is not on Metro-North property. Finally, it was decided that the town would work on the insurance issue first. If no agreement is possible, then the town attorney will not have wasted time negotiating other items.

ALLEN PROPERTY ENVIRONMENTAL STUDY

To proceed with the Allen Sand & Gravel property project, it is necessary to do a Phase I study. At the last special town board meeting, the board voted to authorize Roy Budnick to do the Phase I study. However, since not all the quotes were in writing (at that time), Supervisor Hundt decided to vote again. The following written quotes have now been received:

Roy Budnick	\$ 2,200
Chazen Companies	\$ 2,900
Ira D. Conklin & Sons	\$ 2,500

Before the vote, Councilman Devine requested a clarification that a Phase II study would be necessary to go further. The attorney explained that the Phase II study is focused on issues raised by the Phase I study. SEQOR is triggered by certain actions, but not moving to Phase II. The cost of the Phase II study cannot be known until the Phase I study is done.

HIRE ROY BUDNICK TO DO PHASE I STUDY OF ALLEN PROPERTY

MOTION:	S/Hundt		
SECOND:	C/Doyle		
ROLL CALL:	C/Carroll	- absent	C/Devine - NO
	C/Doyle	- AYE	C/Russell - AYE
	S/Hundt	- AYE	

MOTION CARRIED 3 to 1.

REFERENDUM RESOLUTION FOR BONDING - ALLEN PROPERTY

Supervisor Hundt opened a discussion about the proposed ballot referendum item regarding the Allen property acquisition:

- Without property, many town projects cannot move forward, e.g. the salt shed, town garage, wastewater treatment, and so on.
- We want to give the taxpayers a voice and a choice about buying the property.
- To get a referendum item on the November 8 ballot, the town board must pass a resolution by today. Otherwise, a special election would cost the town about \$7,000.
- There are possible other offers to purchase the Allen property.
- 20-year financing is the maximum for this type of deal.
- Interest rate would be about 4.5% which translates to 20 cents per \$1,000 assessed value or \$1.67 per month (average).
- Salt shed grant will be lost if we don't get it built by the end of March 2006.

After the attorney read the resolution, Supervisor Hundt asked what the next steps were. Michael Hayes replied:

1. Post the notice in the town hall and the newspapers.
2. Contact the Board of Elections and give them a summary of the referendum.
3. Work out the exact wording with the Board of Elections.

Discussion continued:

- The attorney explained that local finance law assigns a probable useful life of 30 years for acquisition of property.
- The permissive referendum applies only if the amount is amortized for more than 5 years.
- After tonight's vote, there will be no way to take the referendum item off the ballot, should the town decide not to pursue the project. If the referendum is approved by the voters, the town board has the authority to issue bonds but is not bound to do so.
- Supervisor Hundt said that there will be time before the November 8 election for people to get their questions answered so they can make an informed choice.
- The attorney added that within 20 days, a lawsuit could be brought if people felt the resolution was not properly done. If a judge agrees (that the resolution was not properly done), then the referendum would not be on the ballot.
- A contract with the seller is not needed to get the referendum item on the ballot; the referendum is just about the bonding.

Before casting his vote, Councilman Devine commented that the proposal sounds good on the surface but nothing is that simple. Buying an open pit mine that may cost \$5 million to make usable is a big commitment. There are 60 acres that must be reclaimed. \$800,000 is just the beginning; reclamation must be done before we can use it. Supervisor Hundt replied that Councilman Devine was doing a disservice to the taxpayers by using numbers that were not accurate. Councilwoman Doyle clarified that the \$800,000 was just the asking price and that the purchase price would probably be less than that after negotiations. The town is legally required to redo the existing appraisal because it is 6 months old.

Upon questioning by Supervisor Hundt, Councilman Devine conceded that he did not have other solutions to the problems (that would be solved by the purchase of the Allen property). He suggested that we should study other options since one third of the Allen property is in a flood plain and there are high tension wires present. Councilman Russell observed that the first step anywhere will be to

buy property. The cost of the projects will always be extra. Councilwomen Doyle noted that we are in danger of losing our transfer station. If we lose it, how much will it cost to replace it?

AUTHORIZE BONDING FOR POSSIBLE PURCHASE OF ALLEN PROPERTY

MOTION: C/Russell

SECOND: C/Doyle

ROLL CALL: C/Carroll - absent C/Devine - NO
 C/Doyle - AYE C/Russell - AYE
 S/Hundt - AYE

MOTION CARRIED 3 to 1.

HIRE TOWN CONSTABLE

Supervisor Hundt moved to hire Leon Vincent as town constable at \$3,600 a year for a 6-month probation period.

HIRE LEON VINCENT FOR TOWN CONSTABLE

MOTION: S/Hundt

SECOND: C/Russell

ROLL CALL: C/Carroll - absent C/Devine - AYE
 C/Doyle - AYE C/Russell - AYE
 S/Hundt - AYE

MOTION CARRIED 4 to 0.

ADJOURNMENT

Supervisor Hundt moved that the Special Meeting be adjourned:

MOTION: S/Hundt

SECOND: C/Russell

ROLL CALL: C/Carroll - absent C/Devine - AYE
 C/Doyle - AYE C/Russell - AYE
 S/Hundt - AYE

MOTION CARRIED 4 to 0.

Respectfully submitted,

Gail Hermosilla,
Amenia Town Clerk

Approved by Town Board: Nov. 17, 2005